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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,)
9)
Plaintiff,) Case No. CR99-62-TSZ
10 v.) **PROPOSED FINDINGS OF**
11) **FACT AND DETERMINATION**
JOSEPH PETER STAHLEY,) **AS TO ALLEGED**
12 Defendant.) **VIOLATIONS OF SUPERVISED**
RELEASE

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on September
15 10, 2009. The defendant appeared pursuant to a warrant issued in this case. The United States
16 was represented by Annette Hayes, and defendant was represented by Carol Koller. Also present
17 was U.S. Probation Officer Jennifer Van Flandern. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR ACTION

19 Defendant was sentenced on July 23, 2009 by the Honorable Thomas S. Zilly for Bank
20 Robbery. He received 108 months of imprisonment and 3 years of supervised release.

21 On October 15, 2008, supervised release was revoked after the Court found that Mr. Stahley
22 had failed to abstain from alcohol, failed to participate in treatment, and failed to work at a
23 lawful occupation unless excused by the probation officer. The Court sentenced Mr. Stahley to

1 up to two months custody to be followed by placement in a residential reentry center (RRC), or
2 some other clean and sober housing for up to 120 days, as approved by the probation officer.
3 The standard conditions were imposed, along with special conditions to include the requirement
4 to abstain from use of alcohol and all intoxicants, participate in substance abuse testing and
5 treatment, submit to search, participate in mental health treatment, pay restitution of \$4, 573,
6 provide access to financial information and the prohibition from obtaining new credit without the
7 permission of the probation officer. Mr. Stahley's instant term of supervised release commenced
8 on November 5, 2008. His supervision is set to expire on June 4, 2011.

9 PRESENTLY ALLEGED VIOLATIONS AND
10 DEFENDANT'S ADMISSION OF THE VIOLATION

11 In a petition dated August 12, 2009, Senior U.S. Probation Officer Richard B. Cowen
12 alleged that defendant violated the following conditions of supervised release:

- 13 1. Failure to abstain from consumption of alcohol beginning on or before July 23,
14 2009, in violation of the special condition requiring such.
- 15 2. Failure to notify the probation officer within 10 days of a change of employment on
16 or about July 23, 2009, in violation of standard condition 6.
- 17 3. Failure to notify the probation officer within 10 days prior to a change of residence
18 on or about July 23, 2009, in violation of standard condition 6.
- 19 4. Failure to submit a written report to the U.S. Probation Office within the first five
20 days of August 2009, in violation of standard condition 82.

21 The government amended violation 1 to read, failure to abstain from consumption of alcohol
22 on or before July 23, 2009, in violation of the special condition requiring such. Defendant
23 admitted amended violation 1, and violations 2, 3, and 4, waived any hearing as to whether they

1 occurred, and was informed the matter would be set for a disposition hearing October, 1, 2009 at
2 1:30 p.m. before District Judge Thomas S. Zilly.

3 RECOMMENDED FINDINGS AND CONCLUSIONS

4 Based upon the foregoing, I recommend the court find that defendant has violated the
5 conditions of his supervised release as alleged above, and conduct a disposition hearing.

6 DATED this 10th day of September, 2009.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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